

**** § 362 INFORMATION SHEET ****

Charles Randall Lazer
DEBTOR

S-10-20744-lbr
Case No:

MOTION #:

PNC BANK, NATIONAL ASSOCIATION
MOVANT

CHAPTER: 7

Certification of Attempt to Resolve the Matter Without Court Action:

Moving counsel hereby certifies that pursuant to the requirements of LR 4001(a)(3), an attempt has been made to resolve the matter without court action, but movant has been unable to do so.

Date: _____

Signature: _____

Attorney for Movant

PROPERTY INVOLVED IN THIS MOTION: 9721 Manheim Lane, Las Vegas, NV 89117

NOTICE SERVED ON: Debtor X; Debtor's Counsel X; Trustee X;

DATE OF SERVICE: July 7, 2010

MOVING PARTY'S CONTENTIONS:

The EXTENT and PRIORITY of LIENS:

1st \$367,892.95

2nd \$90,394.00

3rd \$325.00

4th \$250.00

Other: Cost of Sale \$15,687.92

Total Encumbrances: \$383,580.87

APPRAISAL of OPINION as to VALUE:

\$196,099.00 per Debtor's Schedule

DEBTOR'S CONTENTIONS:

The EXTENT and PRIORITY of LIENS:

1st _____

2nd _____

3rd _____

4th _____

Other: _____

Total Encumbrances: _____

APPRAISAL of OPINION as to VALUE:

**TERMS of MOVANT'S CONTRACT
with the DEBTOR**

Amount of Note: \$352,000.00

Interest Rate: 5.875%

Duration: 30 years

Payment per Month: \$1,970.78

Date of Default: December 1, 2009

Amount in Arrears: \$16,621.55

Date of Notice of Default: April 7, 2010

SPECIAL CIRCUMSTANCES:

SUBMITTED BY: Cindy Lee Stock

SIGNATURE: /s/ Cindy Lee Stock

**DEBTOR'S OFFER of "ADEQUATE
PROTECTION" for MOVANT:**

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SPECIAL CIRCUMSTANCES:

SUBMITTED BY: _____

SIGNATURE: _____

E-FILED JULY 7, 2010

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Attorneys for PNC BANK, NATIONAL ASSOCIATION

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

In re:)	Chapter 7
)	
CHARLES RANDALL LAZER,)	CASE NO. S-10-20744-lbr
)	
)	Hearing Date: August 23, 2010
)	Hearing Time: 10:30 a.m.
)	Location: Foley Federal Building
Debtor.)	Courtroom No. 1

MOTION FOR RELIEF FROM AUTOMATIC STAY

Movant, PNC BANK, NATIONAL ASSOCIATION and its successors and/or assigns, by and through Cindy Lee Stock of the Law offices of Cindy Lee Stock, P.C., its attorneys, hereby moves this Court pursuant to 11 U.S.C. § 362, for its Order Terminating Automatic Stay as it applies to certain real property located in Clark County, Nevada.

This Motion is based upon the attached Memorandum of Points and Authorities, and the 362 Information Sheet, as well as upon the documents filed in support of the Motion.

DATED this 7th day of July, 2010.

Respectfully Submitted,

LAW OFFICES OF CINDY LEE STOCK, P. C

/s/ Cindy Lee Stock

CINDY LEE STOCK
Nevada Bar No. 803
608 South 8th Street
Las Vegas, Nevada 89101
Attorneys for Secured Creditor,
PNC BANK, NATIONAL ASSOCIATION

MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTORY STATEMENT

PNC BANK, NATIONAL ASSOCIATION and its successors and/or assigns requests the Court to grant it relief from the automatic stay because there is little or no equity in the Property for the benefit of the Debtor or the estate and because the Debtor has indicated in the Chapter 7 Individual Debtor's Statement of Intention that the Property will be surrendered.

II. STATEMENT OF FACTS

1. **The Secured Debt.** The Debtor is the Trustor under a Note secured by a Deed of Trust against the real property commonly known as 9721 Manheim Lane, Las Vegas, NV 89117 (the "Property"). The Debtor acknowledges the secured debt in the Schedules. True and correct copies of the Debtor's Schedules "A" and "D" are attached hereto as Exhibit "1."

2. **The Default Under The Note.** PNC BANK, NATIONAL ASSOCIATION's Note and Deed of Trust are contractually due for the December 1, 2009 payment. As a result of the default, PNC BANK, NATIONAL ASSOCIATION recorded a Notice of Default against the Property on April 7, 2010. The total delinquency under the Note is set forth in detail on Exhibit "2" to the Motion.

3. **The Debtor's Interest In The Property.** The Debtor is the owner of record of the Property.

4. **The Filing Of The Instant Case.** On or about June 9, 2010, Charles Randall Lazer filed a Chapter 7 Petition as Case No. S-10-20744-lbr.

5. **The Total Indebtedness Under The Note.** The total indebtedness owed to PNC BANK, NATIONAL ASSOCIATION under the Note, exclusive of attorney fees, other miscellaneous costs and interest that continues to accrue is as follows:

Principal Balance	\$	352,000.00
Interest as of June 2010	\$	12,010.07
Escrow Advance	\$	1,686.92
Total Fees	\$	89.00
Late Charges	\$	344.68
Recoverable Balance	\$	1,762.28

TOTAL \$ 367,892.95

6. **The Total Liens On The Property.** The Property is encumbered by the following liens:

	SECURED CREDITOR	APPROXIMATE LIEN AMOUNT
1.	PNC BANK, NATIONAL ASSOCIATION First Deed of Trust	\$ 367,892.95
2.	CITIBANK Second Deed of Trust	\$ 90,394.00
3.	PECCOLE RANCH Property Lien	\$ 325.00
4.	WELLINGTON PARK Property Lien	\$ 250.00
	Total Approximate Lien Amount	\$ 458,861.95

7. **The Value Of The Property.** The amount owing and recorded against the Property (excluding costs of sale) is at least the sum of \$458,861.95. By the Debtor's own admission, the Property has a fair market value of \$196,099.00. Accordingly, the Property has little or no equity for the benefit of the Debtor or the estate. True and correct copies of the Debtor's Schedules "A" and "D" are attached hereto as Exhibit "1."

III. RELIEF FROM STAY SHOULD BE GRANTED UNDER SECTION 362(d)(2) BECAUSE THE PROPERTY HAS LITTLE OR NO EQUITY

The evidence demonstrates that there is little or no equity in the property. By the Debtor's own admission, the Property has a fair market value of \$196,099.00 while the total indebtedness on the Property (excluding costs of sale) is \$458,861.95. Based on the foregoing, the stay should be terminated immediately. PNC BANK, NATIONAL ASSOCIATION has satisfied its burden under Section 362(d)(2).

IV. REQUEST FOR JUDICIAL NOTICE

Pursuant to Rule 201 of the Federal Rules of Evidence, as made applicable herein by Rule 9017 of the Federal Rules of Bankruptcy Procedure, PNC BANK, NATIONAL ASSOCIATION requests that the Court take judicial notice of the following facts:

